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Conference on

Chemical Diversion from
International Commerce

Prague, Czech Republic

11-14 February 1997

Sponsored by

the U.S. Drug Enforcement Administration and the European Commission

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CONFERENCE REPORT

CONFERENCE ON CHEMICAL DIVERSION FROM INTERNATIONAL COMMERCE

Sponsored by the
U.S. Drug Enforcement Administration
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Prague, Czech Republic, 11-14 February, 1997

Report prepared by the Office of Diversion Control, DEA
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CONFERENCE REPORT: CHEMICAL DIVERSION FROM INTERNATIONAL COMMERCE

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INTRODUCTION

Recognizing the special responsibility that the principal controlled chemical¹ manufacturing and exporting nations have in preventing the diversion of such chemicals to the clandestine manufacture of drugs, the U.S. Drug Enforcement Administration (DEA) and the European Commission (EC) sponsored an international Conference on Chemical Diversion from International Commerce in Prague, Czech Republic, on February 11-14, 1997. Twenty-six nations from every region of the globe having significant involvement in the commerce of controlled chemicals were represented at this conference.

Two major initiatives were discussed. The first initiative was a non-binding proposal offered to conferees by the United States: establishment of an informal, multilateral chemical control initiative. This initiative would be supported by a system of rapid communications concerning planned chemical exports and denials. Traffickers have familiarized themselves with chemical control laws in order to take advantage of any existing loopholes in the law, as well as to identify and transact their business in those countries with weak or nonexistent laws regarding chemicals. Consequently, the need for multilateral cooperation supported by the establishment of a real-time, rapid reporting network to provide advance notification of chemical shipments and denials is clearly evident. In addition to including such a reporting network, the multilateral initiative would develop complementary approaches for dealing with shipments of critical chemicals to areas of special concern because of exceptionally high risk or difficulty in verifying legitimacy; exchange information on a real-time, confidential basis on questionable shipments; inform parties about denials of shipments; and provide for mutual respect for such denials, so that a shipment denied by one party is not authorized by another. Conferees agreed in principle to the establishment of such an initiative, and agreed to participate in a real-time data reporting network, with the International Narcotics Control Board (INCB) facilitating information exchange by acting as an information clearinghouse. The U.S. and EC announced their intention to pursue development of the reporting network in future by inviting conferees to a meeting wherein operational details of the network and principles of the initiative would be agreed upon.

The second initiative was consideration of a special surveillance list of non-controlled chemicals. International chemical control clearly has affected drug traffickers' acquisition of chemicals and the ease thereof, as evidenced by the reported volumes of illicit chemicals seized by law enforcement authorities worldwide. Nevertheless, traffickers still are obtaining the necessary chemicals. They have, however, been forced to alter their methods of obtaining the chemicals, resorting to, among other means, sophisticated document forgery, making multiple transactions, complicated routing of chemical shipments through numerous transit countries, and procuring

¹Throughout this text, the term "controlled chemical(s)" refers to those chemicals listed in Tables I and II of the 1988 Convention, unless otherwise noted.

alternative chemicals. Therefore, the need is evident to monitor chemical substitutes which traffickers are turning to as controlled chemicals become more difficult to obtain. It is in many instances premature or not practical to include such chemical substitutes in the formal international control regime. The objective of hindering trafficker access to these non-controlled chemicals can be assisted through careful monitoring and selective advance notification of shipment, as warranted, via the multilateral reporting network for controlled chemicals.

A representative Technical Group was convened to consider criteria and develop a tentative list of chemicals (special surveillance list) that may be contemplated for international monitoring which are not listed in the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (hereafter referred to as the 1988 Convention), but which nonetheless are encountered by law enforcement authorities in the clandestine production of drugs. The recommendations of this Technical Group will be considered by the INCB when establishing the limited international "special surveillance list" and proposing appropriate monitoring measures, as requested by the United Nations Economic and Social Council (ECOSOC) in its resolution 1996/290.

CONFERENCE PROCEEDINGS

Opening Remarks

Opening remarks were provided by the Honorable Jennone Walker, U.S. Ambassador to the Czech Republic; Dr. Jiri Komorous, Director of the National Anti-Drug Center of the Czech Republic's Police; Mr. Joannes Ter Haar, Ambassador and Head of the European Commission's Prague Delegation; Mr. Akira Fujino, Deputy Secretary of the Board and Chief, Precursors Control Unit of the International Narcotics Control Board Secretariat; Dr. Peter Hobbing, Conference Co-Chairman and Principal Administrator of the European Commission's Directorate General XXI, Customs and Indirect Taxation; and by Conference Chairman Gene R. Haislip, Deputy Assistant Administrator for Diversion Control at the U.S. Drug Enforcement Administration.

All speakers emphasized the seriousness of the illegal drug problem and acknowledged the acute importance not only of chemical control per se in national and international drug law enforcement, but the crucial need for global, multilateral cooperation. The nations represented at this conference, as principal manufacturers and exporters, are particularly important to the success of a multilateral effort because of their advantageous position to control chemical commerce.

The Multilateral Chemical Reporting Initiative

Development of the multilateral initiative arose from the recognition that although many countries have implemented national chemical control laws and programs, and many more are

signatory to the 1988 Convention, a mechanism is lacking for coordination of efforts and working together on a multilateral basis with regard to chemical control. Ms. Evangeline Monroe of the U.S. Department of State's Bureau of International Narcotics and Law Enforcement Affairs explained that President Clinton urged formation of an informal group on chemical cooperation in an address before the United Nations General Assembly in September 1996. Ms. Monroe recognized that not all governments can function similarly, nor can all governments implement the same laws, much less simultaneously. The critical issue of denying availability of chemicals for clandestine drug production cannot be put off for years while waiting for the negotiation of formal treaties or agreements. Therefore, a voluntary arrangement which allows governments to function within their own frameworks, applying national discretion, appears to be an appropriate expedient.

Mr. Haislip stated that legal authority for the initiative is provided by the 1988 Convention. In fact, Article 12 of that Convention requires "Parties [to] co-operate closely with one another...[and] [e]stablish and maintain channels of communication between their competent agencies and services to facilitate the secure and rapid exchange of information [concerning, *inter alia*, chemical diversion]." As planned, the multilateral initiative is voluntary, informal and flexible. In accordance with each participating country's laws and regulations, and without any obligation, information regarding precursor chemicals will be shared between countries and provided to the INCB on a real-time basis. Such rapid information exchange should prevent any "doubtful clients" from obtaining chemicals in successive attempts in different countries. A vital element of this initiative, reiterated by several presenters, is each country observing respect for others' denials of shipment. The purpose of the initiative is to prevent traffickers from obtaining the necessary chemicals. Participation in the information network established by the multilateral initiative provides a means to ensure that participants *not* "undercut" others' denial of shipment decisions.

The key role of the INCB as an information clearinghouse was emphasized throughout the conference proceedings. Participants heard of the experience of several conferees who were unsuccessful in receiving verification to their inquiries of shipment legitimacy from foreign counterparts. Ms. Marešová, of the Czech Ministry of Health, stated that in such instances, she overcame the problem by turning to the INCB, through its secretariat, for assistance. She stated the importance of the INCB having access to comprehensive data concerning, for example, national production of controlled chemicals, data on the chemicals themselves, suspicious transactions and companies, national consumption levels of the chemicals to be used as guidelines, and samples of legitimate national permit forms to be provided to competent authorities.

Mr. Fujino reaffirmed the INCB's commitment to competent authorities regarding chemical control. **He related that the Board's highest priority assisting governments to verify the legitimacy of controlled chemical transactions throughout the world in order to prevent diversion, and to develop mechanisms and procedures to do so.** The multilateral initiative can be an important tool to assist in meeting that priority. Critical to the initiative's success, however, is the need for information for the INCB database.

The conference program proceeded with presentations describing various aspects of the multilateral communications system. These included the types of information to be exchanged (e.g., types of transactions to report on, types of communications), who should be informed, notifications regarding stopped shipments, "special alerts," notifications between countries, and notifications of export information to the INCB for general monitoring purposes. Mr. Fujino related that the types of transactions requiring information exchange include those of the established, legitimate trade, where verification of each shipment is not necessary; shipments of concern; and suspicious or stopped orders. There is a large number of shipments of concern, i.e., shipments which appear in order but because of a lack of information, such as the legitimate requirements of the importing country, their legitimacy cannot be immediately verified. **In the case of shipments of concern, it is necessary that all relevant parties including the INCB receive the necessary information so that an appropriate inquiry or investigation can be undertaken prior to authorizing the movement of the chemicals.**

The types of communications which should occur regarding controlled chemicals include inquiries, preexport notifications, and alerts. Inquiries, Mr. Fujino explained, should be made by the exporting country wherever appropriate: to importing country authorities, transit country authorities, the INCB, etc. The inquiry might attempt to verify, for example, whether the importing company exists, or whether the transit country authorities have approved the pending transshipment of the chemical. (The importance of notifying importing country authorities when falsified documents are encountered was noted.) Conferees agreed on the crucial importance of preexport notifications to importing countries by exporting countries. The value of providing the preexport notification to transit countries as well was underscored. Such notifications allow for adverse information to surface *prior* to the shipment proceeding, and are thus a preventive measure. It was emphasized that addressees of preexport notifications must respond swiftly in order that legitimate transactions may be completed with as little delay as possible. The alert serves as notification that a suspicious shipment will not be permitted to proceed, and that a similar order, if placed elsewhere, should be highly suspect. Special alerts should be directed promptly to the importing country for investigation, to the INCB to inform other countries which might be targeted by the traffickers and to identify trends, and to all exporters and major transit countries to prevent similar attempts.

With regard to sharing information on alert shipments, Mr. Fujino noted that possibly not all information possessed by the country which issued the alert can be shared because of confidentiality concerns. Such concerns should not, he emphasized, preclude issuing an alert and communicating elementary information. An alert might simply consist of notification that a suspicious order for "x" chemical was received. In such a case, competent authorities with a need to know who seek further information would be referred to the authorities of the country which issued the alert, or possibly to the INCB.

The need for competent authorities to provide a swift reply to inquiries by foreign counterparts was an issue which arose in discussion on a number of occasions. Conferees were urged to regularly provide the INCB with any information they deem important, particularly regarding shipments of concern and suspicious or stopped orders. Mr. Fujino explained that frequently, the INCB receives information which it recognizes to be of interest or concern to a number of parties. The party which furnishes the information initially may not be aware of all other parties which may have a similar concern. By routine inclusion of the INCB in the communications network, it will be able to fulfill a clearinghouse function and direct important data where it needs to go. In this regard, Mr. Fujino elaborated on the role of the INCB as facilitator in the exchange of chemical shipment information in particular when sensitive or confidential information is involved. As stated above, no sensitive data need be communicated, simply very general information, including the consignee, destination, substance/quantity, route of shipment, point of entry, mode of travel, estimated time of departure, and any other relevant information. He stressed emphatically that any sensitive data provided to the INCB will remain confidential. Legally, the Board is an independent treaty body, and with regard to data it receives within the purview of the international Conventions, has no obligation to disclose such data to any government nor the U.N. Such data remains confidential unless the Board decides to release it. The Board provides assurance that the confidentiality of any information that a country wants to share with the INCB will be preserved; the Board has provided safeguards to maintain such confidentiality in accordance with Article 12.

Mr. Leif Knudsen of the EC's unit for the coordination of fraud prevention (UCLAF) elaborated further on information-sharing among countries in the proposed multilateral system. He affirmed the need for a systematic, established, routine procedure, and regular, direct communications to competent authorities that are swift and multilateral. The need is for real-time exchange of information, providing the greatest amount of detail possible for the receiving country to understand and take action, while limiting that information and detail as necessary in order not to create barriers to its release. Those who should be provided the information include the prospective importing country, the competent authorities of neighboring countries, other countries with a similar problem, other exporting countries which produce the chemical or substance in question, the INCB, and other relevant international organizations, such as the World Customs Organization and Interpol. He stated that these organizations, together with UCLAF and the DEA, can serve to facilitate cooperation and are in a position to identify regional or worldwide trends.

Mr. Knudsen reiterated previous discussion regarding sensitivity of data, explaining that there are generally three types of information having different levels of sensitivity. The first type is the "backbone" (foundation) of the multilateral system, consisting of general, non-sensitive data, such as the chemical name, tariff heading, quantity, destination, and further details as warranted, such as the alleged use of the chemical. This data would be disseminated widely within the system

and would be generated for any order regarded as nonroutine, i.e., a pending order concerning which more information is sought, that might well turn out to be completely legitimate, or for a suspicious order. As stated in Mr. Fujino's presentation, the INCB should regularly be notified as well as other countries in the system. The second type of additional information, typically provided in response to a suspicious order, would include the name and address of the consignee, and other persons or companies involved in the country of destination, or other countries involved in the transaction. This information would be disseminated on a limited basis to those countries with a need to know, and the data would require some confidentiality safeguards. The third type of additional information, typically regarding operational investigations and stopped shipments, would require the strictest safeguards and most limited dissemination (i.e., on a bilateral basis). This would include such information as the name(s) and address(es) of the consignor, and name(s) and address(es) of other persons or companies involved in the country of origin, the circumstances which raised suspicion, and the results of investigations.

To repeat an important point: preserving data confidentiality should not preclude the sharing of basic, nonsensitive information about shipments, particularly suspicious or stopped shipments. As Mr. Fujino described in his discussion of special alerts, the most basic information regarding a shipment can be disseminated in the multilateral system, with a referral to the INCB or to another country for more information, which may be sensitive. Such sensitive data can be exchanged via secure e-mail, such as the "SCENT" system which is in use within the European Union, or via encrypted fax.

On a final note, regarding a concern that implementation of a multilateral information sharing system might adversely affect the legitimate chemical trade, Mr. Knudsen explained that this initiative is aimed at exchanging better information more swiftly. The more quickly that information exchange takes place, the better we are able to detect and deter the "bad" trade, allowing legitimate transactions to proceed without undue delay.

Trends

A worldwide overview of trends in illicit drug production and of chemical diversion was provided through a series of presentations and discussions. Additionally, presentations on special problems of chemical exports to areas of clandestine drug production were made by representatives of Russia, Poland, India and China. The special problems of chemical exports to "high risk" areas were the focus of specific presentations. An extreme example is the problem of precursor chemical exports to Afghanistan, where substantial opium cultivation is known to occur, but where the current political situation does not permit any kind of reliable confirmation of the legitimacy of any chemical import. It was recommended in such a situation, and particularly where there is no reported legitimate industry requiring controlled chemicals, that shipment of the chemicals be

denied. In less extreme situations, high risk of chemical diversion may exist due to corruption in business or the government, or the destination of chemical shipment may be known to harbor a large number of clandestine laboratories. Despite such difficulties, investigation of consignees may nonetheless be possible. In such situations, assistance from the national authorities must be sought.

Trends in relation to heroin, cocaine, synthetic drugs and the chemicals necessary to the production of these drugs were discussed. A picture emerged of a truly global drug problem--virtually no country is immune from some or many aspects, including clandestine drug production, drug abuse, involvement in chemical diversion, money laundering, corruption, and organized crime.

The general trend in Europe and Asia with regard to heroin is a flow of chemicals for opium and morphine base processing from west to east, and a flow of the finished product, heroin, from east to west. Regarding cocaine, shifts in location of processing laboratories and in some of the chemicals used reflect the impact of chemical control. For example, historically Colombia has been the major source of cocaine hydrochloride (HCl) and the primary location of clandestine cocaine base processing laboratories. As a result of a year-old U.S. restriction on cocaine chemical exports to Colombia and strict vigilance by European exporters, coupled with enforcement efforts of Colombian authorities, traffickers are now locating cocaine HCl laboratories near to the sources of coca. In what may also be a trend indicator, a major cocaine HCl laboratory was recently discovered in Mexico, where domestically-produced chemicals are readily available.

The general trends with regard to synthetic drugs in Europe are an increase in the clandestine production of MDMA and its analogs, the appearance of illicit methamphetamine production, a switch to chemical substitutes to evade chemical controls, and the appearance of clandestine precursor chemical production laboratories. A representative of the U.K. also mentioned authorities of that country encountering the use of plant materials and essential oils containing the chemical safrole for the production of MDMA and MMDA. Several presenters pointed out the current ease with which detailed information and instructions on clandestine drug manufacture are available through underground literature and via the Internet.

In the United States, clandestine methamphetamine production continues to be the most serious synthetic drug problem. In response to both domestic and international controls on ephedrine, enforcement authorities are witnessing increased use of pseudoephedrine, primarily in the form of exempt pharmaceutical products, as a methamphetamine precursor. Additionally, phenylpropanolamine is being used as a substitute for ephedrine and pseudoephedrine in the illicit production of amphetamine, which is sold as methamphetamine. It is important to note that phenylpropanolamine is not controlled under the 1988 Convention. Another U.S. trend which has emerged as a result of controls on hydriodic acid, used in clandestine methamphetamine production, is greatly increased sales and use of iodine to illicitly produce hydriodic acid. Recent legislation has placed domestic controls on this chemical; U.S. authorities are currently considering a threshold amount for legal sales.

Emerging Trend: Non-controlled Chemicals

The issue of switching to non-controlled chemical substitutes to evade controls is particularly serious. The presenter from Poland pointed out that a greater knowledge of organic chemistry is required to employ alternative clandestine synthesis methods. Nevertheless, this expertise exists in illicit laboratories. Additionally, the chemicals which are being used as substitutes are widely used by legitimate industry, which imposes greater difficulty for control. Some of the chemical substitutes mentioned were benzyl cyanide and benzyl chloride, used to synthesize 1-phenyl-2-propanone (BMK; for amphetamine/ methamphetamine production), and isatoic anhydride and ortho-toluidine for methaqualone production. To deal with the problem of the use of non-controlled chemicals in clandestine drug production, a number of countries, including Germany, have established a national "special surveillance list" for such chemicals which are frequently encountered by authorities during clandestine laboratory seizures. In discussing Germany's experience with its special surveillance list, which includes 29 chemicals in addition to those listed in the 1988 Convention, Mr. Herbert Bayer of the Bundeskriminalamt stated several main principles for such a surveillance list. These include close cooperation of industry; flexibility, in order to meet special regional requirements, for example; and national dissemination of information on chemical substitution trends and information on new methods of drug synthesis. Voluntary cooperation between industry and law enforcement is critical to the success of the German system.

Both Mr. Bayer and Mr. John Ploeg of the Dutch Economic Investigation Agency, who discussed the Netherlands' special surveillance list for non-controlled chemicals, recommended strengthening the legal basis to take significant punitive action against the use of non-controlled chemicals for clandestine drug manufacture. They recommended that the intent to illegally produce a controlled substance be civilly and criminally punishable, regardless whether the chemical(s) used are controlled or not. Mr. Bayer recommended implementation of specific laws to deal with the problem of diversion of non-controlled chemicals. These laws would provide for the civil and criminal prosecution of such diversion when it is committed with the intent to evade the law and with the knowledge that the chemicals will be used for clandestine drug production. He suggested applicable U.S. domestic law could be used as a model for nations wishing to draft such legislation. He also endorsed applying a "reckless disregard" or similar standard to businesses which supply non-controlled chemicals with the knowledge that they are to be used to illicitly manufacture drugs. Both Messrs. Bayer and Ploeg also emphasized the value of a central point of data collection, such as the INCB, for information on trends, techniques, investigations, etc. in order to acquire regional and global pictures of the use of non-controlled chemicals in illicit drug manufacture and to make such a comprehensive database available to all competent authorities worldwide.

Special Surveillance List Technical Group

As stated above, the United Nations International Drug Control Programme (UNDCP) and INCB were mandated via ECOSOC Resolution 1996/290 to develop an international special surveillance list of noncontrolled substances, after considering the nature and trade patterns of each substance, for which substantial information exists of their use in illicit drug production. They also were to develop a list of criteria for inclusion of substances in the list, and guidance for use of the list, i.e., monitoring measures and conditions. A report of the Second Expert Group on Amphetamine-Type Stimulants, which met in Shanghai in November 1996, called for the UNDCP and INCB to establish such an international special surveillance list as well.

To facilitate and assist in this endeavor, a Technical Group was assembled at this conference to draft a tentative list for consideration by the INCB in establishing the limited international special surveillance list requested by ECOSOC. (The tentative list is included in the Annex to this report.) The Technical Group members were: Mr. Frank Sapienza (Group Chairman), Chief of the Drug and Chemical Evaluation Section in DEA's Office of Diversion Control; Mr. Howard Stead, Technical Advisor to the Precursors Control Unit, INCB Secretariat; Mr. Herbert Bayer, Head of Police/GÜS in Germany's Bundeskriminalamt; Mr. Conny Eklund of Sweden's Medical Products Agency; Capt. Mark Colhoun of the South African Narcotics Bureau, South African Police Service; Dr. Eva Marešová, Head of the Inspectorate of Narcotic Drugs and Psychotropic Substances in the Czech Republic Ministry of Health; Mr. Christian Stamm, Deputy Head of the Section for Control and Licenses in the Swiss Federal Office of Public Health; and Ms. Linda Ward, Head of Licensing in the U.K. Home Office's Drugs Division.

Mr. Sapienza cited the Group's considerations for inclusion of a substance or chemical in the tentative list:

- Only substances or chemicals which have been documented as being used in clandestine laboratories should be included;
- Such documentation should be more than an isolated occurrence;
- Priority should be given to substances used in and diverted from international commerce; and
- Priority should be given to substances which are direct substitutes for listed chemicals and to precursors used to synthesize precursors; reagents, acids, and bases were also considered.

Chemicals to be included in the list should also be considered in view of their importance, diversity, extent, and volume of use in licit international commerce. Also to be considered are what, if any, controls on such chemicals are already in place. Mr. Fujino joined Mr. Sapienza in urging conferees to provide as much data as possible on any potential special surveillance list chemical to

the INCB, including the most current data on illicit uses. In making a final determination regarding which substances should be included in the list, the INCB will need to conduct activities similar to those performed when considering a substance for formal scheduling under the international conventions. It was emphasized that the list will be international in scope; taken together with the guidance and list of criteria which the INCB will develop, the list may be tailored to meet national or regional needs.

Mr. Sapienza stated that placing a chemical on the special surveillance list is not a substitute for notifying the U.N. that the chemical needs to be added to either of the two Tables of controlled chemicals in the 1988 Convention, if warranted due to the seriousness of the problem. Another point he made was that a special surveillance list should not always be used in place of control measures; action with regard to such chemicals must be taken on a case-by-case basis. Mr. Sapienza stated also that much can be accomplished before any action is taken--control or otherwise--on a problem chemical, especially through swift, effective communications.

In developing its tentative list, the Technical Group used available surveillance lists from several countries, information on chemical seizures, and national lists of controlled chemicals. The Group examined those non-controlled chemicals most often associated with the production of the most abused substances on a global basis--cocaine, heroin, amphetamines (including the Ecstasy type), methaqualone, and LSD. Non-controlled chemicals used in the illicit production of substances which are solely domestic problems were not considered, such as the use in the United States of chemicals to produce phencyclidine (PCP). The Group considered the chemicals used in the illicit production of hallucinogens, such as mescaline and 2C-B, and fentanyl and its analogs, but found that there were very few illicit laboratories producing these substances at this time. Mr. Sapienza emphasized that for a special surveillance list to be practical and useful there must be monitoring measures and conditions associated with it. The Group felt that it had neither the time nor the expertise to develop such measures; therefore, the Group produced a list of the most important noncontrolled chemicals currently used in the illicit production of controlled drugs, without regard to control measures.

Recommendations of the Special Surveillance List Technical Group

The Technical Group made several recommendations in addition to preparing a tentative list of non-controlled chemicals, as follows:

1. The INCB should consider publishing annually a complete compilation of those substances which are controlled by national governments or for which seizures were reported. This list should have no monitoring measures associated with it, but should be used as a reference list of substances which have been used in illicit laboratories.

2. Non-controlled chemicals which are subject to import licenses by national authorities should be considered for the INCB special surveillance list and highlighted as such.
3. Solid dosage form products containing Table I substances and those containing substances on this tentative surveillance list should be included on the INCB special surveillance list. A maximum threshold above which monitoring measures will apply is recommended. *Note: It was pointed out that there are several solid dosage form products containing Table I substances which are listed substances in the 1988 Convention.*
4. The use of chemical mixtures, particularly those containing controlled and non-controlled solvents, is of concern, and should be given special attention by the INCB.
5. The final list should be reviewed periodically by the INCB to determine necessary changes in light of new developments in the use of non-controlled chemicals.
6. Salts and isomers of the non-controlled chemicals should be included where appropriate.
7. The INCB should ask the World Customs Organization to provide unique harmonized code numbers for each substance on the special surveillance list.
8. Information regarding the hazards of these chemicals, especially as they relate to law enforcement activities, should be collected, reviewed and disseminated.

Other Cooperative Measures

Mr. Ercan Saka, Technical Officer with the World Customs Organization (WCO) in Brussels, Belgium, gave a brief presentation on the WCO's role in and future plans regarding chemical monitoring and control. He brought up the issue of the importance of competent authorities cooperating with customs particularly in regard to free ports and free trade zones. That issue also was addressed by Mr. Fujino in subsequent discussion, who said that chemical diversion frequently is associated with the import of chemicals for re-export, many cases of which occur through free ports and trade zones. Diversion also is frequently connected to the presence of intermediaries, i.e. brokers, in transactions, so much so that the INCB is compiling a list of brokers and reviewing the types of activities conducted by intermediaries. The INCB has found that many national drug and chemical control authorities are not aware of the number and location of the free ports and trade zones in their country. Although control of these zones and ports fall under the jurisdiction of customs authorities, it was stressed that the 1988 Convention mandates that the same vigilance with regard to controlled chemicals must apply in free ports and trade zones. Mr. Saka concluded his presentation with a referral to regional customs liaison officers for assistance in verifying

information on chemical shipments, and with a statement that the WCO and the INCB are planning information exchange and regular consultation to determine where best the WCO may be involved in a chemical control program to improve monitoring.

General Discussion

Following the scheduled presentations of the conference program, the floor was opened up to conferees for general discussion. A representative of the UAE described the limitations authorities in his country have on taking action to suspend suspicious chemical shipments. A serious problem for UAE authorities is a lack of national chemical control legislation. Additionally, the UAE has a large free trade zone housing many facilities with minimal restrictions, a situation, the representative noted, which may attract criminal activity not only associated with controlled chemicals, but with non-controlled chemicals and substances. Despite this situation, authorities in the UAE are taking action: a new section for chemical diversion is being established within the UAE's Central Drug Control Department. The UAE representative concluded his remarks with a request for help in developing national chemical control legislation and establishment of laboratory facilities to identify substances.

Noting that lack of legislation is a problem in several key countries, Mr. Fujino observed that in the absence of a national chemical control law, a country could take other actions to prevent chemical diversion. Although some countries cannot place the highest legislative priority on this problem, there are other avenues to pursue. Mr. Fujino referred to the examples of Hong Kong and the Czech Republic, which have active chemical control programs that have been in operation for years even prior to establishment of national chemical control laws. Hong Kong, where control of chemicals primarily is enforced by the Customs and Excise Department, has an enormous volume of chemicals transiting the country, which causes difficulty in determining the names and number of countries involved. However, the volume of *controlled* chemicals is limited, and for those chemicals, Hong Kong authorities took voluntary, administrative action to enforce control. Mr. Fujino explained that national authorities should make use of any applicable existing national laws to accomplish their goals; any relevant law should be used to discover and stop suspicious chemical shipments. Hong Kong Customs and Excise authorities and the authorities of the Czech Republic gave examples of their use of several different laws to accomplish chemical control, including import/export ordinances and laws relating to pharmacy and poisons. Provisions of the 1988 Convention are applied as well in taking necessary action.

Mr. Fujino lauded these examples of successful chemical regulatory and enforcement actions through astute application of relevant national law. He reiterated that the absence of national law addressing specifically chemical control, until such legislation can be enacted, should not preclude taking necessary action to prevent chemical diversion. He added that the UNDCP has a set of model precursor laws available, as well as typical examples of national legislation which can assist governments in drafting their own legislation. A team of lawyers which has been working with developing countries also is available through a legislative advisory program.

CLOSING REMARKS

Dr. Komorous announced that it was symbolic that on the concluding day of the conference, a favorable court judgment was reached regarding a major MDMA case; it was through precursor monitoring that knowledge of the clandestine manufacturing organization came to the attention of authorities, and led to eventual prosecution. Dr. Komorous in closing thanked the DEA, EC and INCB, on behalf of the Czech Ministry of Interior, for organizing the conference, and wished all conferees success in their endeavors.

Dr. Hobbing commended the progress made internationally in chemical diversion control that has been achieved in a relatively short period of time. He related that the DEA and EC have co-sponsored five conferences around the world on the subject of chemical control since 1993. The previous ones were concerned primarily with information sharing and consciousness-raising regarding chemical diversion. This conference in Prague, however, was different: a clear idea of mission for the global community has arisen, i.e., developing the multilateral system for future cooperation. And the prospect for such cooperation is positive--governments which have not been in agreement in the past on methods of cooperation now appear to be in agreement with regard to routine, nonsensitive information-sharing via the multilateral mechanism. At the same time, he stated in closing, there remains a need to share sensitive data on the basis of formal, legal instruments.

Mr. Fujino repeated his statement of the INCB's commitment to chemical control and assistance to governments in their efforts on that behalf as its highest priority. He stated that the "First Phase" of international chemical control since the entry into force of the 1988 Convention was now coming to an end. Governments had established legislation and controls to prevent diversion and were establishing working mechanisms and standard operating procedures to implement those controls. As a consequence, there was no longer any need for general meetings on chemical control, but future meetings should bring together representatives of national competent authorities to extend the working systems now being set up, and to take specific actions to prevent diversions. He remarked in closing on his satisfaction that conferees spoke in one voice regarding participation in a voluntary, informal chemical reporting system.

The same sentiments were echoed by Mr. Haislip. He said that he believed there was consensus to organize a successor meeting to this conference in Prague, to establish the operational details of the multilateral system. The DEA and EC will issue invitations in the near future for such a meeting to take place within the year.

ANNEX

**Tentative International Special Surveillance List:
List of Substances for Consideration**

Chemicals Used to Produce Amphetamines

Direct substitutes for controlled chemicals:

Allylbenzene
Benzaldehyde
Benzyl Chloride
Benzyl Cyanide
Norephedrine / Phenylpropanolamine
N-methylephedrine
N-methylpseudoephedrine
Piperonylalcohol

Other reactants and reagents:

Ammonia
Ammonium Formate
Formamide
Formic Acid
Hydriodic Acid
Lithium Aluminum Hydride
Methylformamide
Monoethylamine
Monomethylamine
Nitroethane
Nitromethane
Thionyl Chloride

Comment: While the direct substitutes for controlled chemicals may be more important to the actual production of the controlled substance, the "other reactants and reagents" are more often encountered and seized by law enforcement.

Chemicals Used in the Production of Heroin and Cocaine

Acetyl Chloride
Ammonium Chloride
Calcium Oxide
Ethyl Acetate
Glacial Acetic Acid
Hexane
Isobutyl Acetate
Isobutyl Alcohol

Isopropyl Acetate
Isopropyl Alcohol
Methyl Isobutyl Ketone
N- Propyl Acetate
Sodium Bicarbonate
Sodium Carbonate
Sodium Hydroxide

Comment: Threshold levels for monitoring measures should be considered. Additional chemicals subject to import controls by national authorities should be included.

Chemicals Used in the Production of Methaqualone

Isatoic Anhydride
Ortho-toluidine

No noncontrolled substances used in the illicit production of LSD are recommended at this time.

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